

CONSTRUCTION AND MAJOR MAINTENANCE

Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, [\$242,174,000] \$339,802,000, to remain available until expended[: Provided, That \$650,000 for Lake Champlain National Historic Landmarks, \$300,000 for the Kendall County Courthouse, and \$365,000 for the U.S. Grant Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a], of which \$50,000,000 is for Federal Infrastructure Improvement, defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; and of which \$5,000,000 shall be advanced as a lump sum grant to the National Park Foundation and shall be available, together with any interest thereon earned by the Foundation, for cost-shared projects, matched by at least an equal amount by non-Federal entities, to repair and rehabilitate park facilities.

[For an additional amount for “Construction”, \$5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

[For an additional amount for “Construction”, \$3,500,000, to remain available until expended, of which \$1,500,000 is for the Stones River National Battlefield and \$2,000,000 is for the Millennium Cultural Cooperative Park.]

Justification of Proposed Language Changes

1. Addition: In the heading: “AND MAJOR MAINTENANCE”

The new words proposed to be added to the heading reflect the inclusion of major maintenance in the activities to be funded in this appropriation account.

2. Deletion: “: Provided, That \$650,000 for Lake Champlain National Historic Landmarks, \$300,000 for the Kendall County Courthouse, and \$365,000 for the U.S. Grant Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a”

This language is proposed to be deleted because no funds are requested for these purposes for fiscal year 2002.

3. Addition: “; of which \$50,000,000 is for Federal Infrastructure Improvement, defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act;”

This language is proposed to earmark funds to be regarded as being for Federal Infrastructure Improvement, which the Balanced Budget and Emergency Deficit Control Act of 1985, as recently amended, defines as being in the “Federal Deferred Maintenance subcategory” in the conservation spending category.

4. Addition: “and of which \$5,000,000 shall be advanced as a lump sum grant to the National Park Foundation and shall be available, together with any interest thereon earned by the Foundation, for cost-shared projects, matched by at least an equal amount by non-Federal entities, to repair and rehabilitate park facilities”

This language is proposed to earmark funds for a grant to the National Park Foundation for it to use, together with any interest earned from the grant, to leverage non-Federal funds as part of a cost-sharing arrangement, to repair and rehabilitate park facilities.

5. Deletion: “For an additional amount for “Construction”, \$5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by

Construction and Major Maintenance/Appropriation Language, Changes and Citations

natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.”

This language in Title V of the Department of the Interior and Related Agencies Appropriations Act, 2001, is proposed to be deleted because no funds are requested for this purpose at this time for fiscal year 2002.

6. Deletion: “For an additional amount for “Construction”, \$3,500,000, to remain available until expended, of which \$1,500,000 is for the Stones River National Battlefield and \$2,000,000 is for the Millennium Cultural Cooperative Park.”

This language enacted by the Consolidated Appropriations Act, 2001, is proposed to be deleted because no funds are requested for these purposes for fiscal year 2002.

Appropriation Language Citations

1. For construction, improvements, repair or replacement of physical facilities,

16 U.S.C. 1-1c, 7a-7e and 461-467

16 U.S.C. 1-1c creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

16 U.S.C. 7a-7e provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

16 U.S.C. 461-467 provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

2. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,

16 U.S.C. 410r-8

Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229), 16 U.S.C. 410r-8, authorizes certain modifications at Everglades National Park. Appropriations for this purpose are authorized by section 102(f) of the act, 16 U.S.C. 410r-6(f).

3. \$_____, to remain available until expended,

No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and

Construction and Major Maintenance/Appropriation Language, Changes and Citations

duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.

4. of which \$_____ is for Federal Infrastructure Improvement, defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act;

2 U.S.C. 900(c)(4)(E)(xiv) and 16 U.S.C. 1-1c, 7a-7e and 461-467

2 U.S.C. 900(c)(4)(E)(xiv), which is also section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shows Federal Infrastructure Improvement an account that another part of the Act (section 250(c)(4)(J)) includes in the “Federal Deferred Maintenance subcategory” of the conservation spending category.

16 U.S.C. 1-1c, 7a-7e and 461-467, the same authorities cited and explained above for the regular appropriation language for Construction and Major Maintenance, also apply to Federal Infrastructure Improvement.

5. and of which \$_____ shall be advanced as a lump sum grant to the National Park Foundation and shall be available, together with any interest thereon earned by the Foundation, for cost-shared projects, matched by at least an equal amount by non-Federal entities, to repair and rehabilitate park facilities.

16 U.S.C. 1-1c, 7a-7e and 461-467 and 16 U.S.C. 19e-19n

16 U.S.C. 1-1c, 7a-7e and 461-467, the same authorities cited and explained above for the regular appropriation language for Construction and Major Maintenance, also apply to grant funds to be used to repair and rehabilitate park facilities.

16 U.S.C. 19e-19n establishes the National Park Foundation and authorizes its activities in support of the National Park Service.